

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**Rachel Kaltenbach, et al.,**

**Plaintiffs,**

**v.**

**Hilliard City Schools Board  
of Education, et al.,**

**Defendants.**

**Civil Action 2 :23-cv- 00187  
Judge Michael H. Watson  
Magistrate Judge Kimberly A. Jolson**

**RULE 26(f) REPORT**

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on March 3, 2023 and was attended by:

Joshua J. Brown, counsel for plaintiffs,

Jessica K. Philemond, counsel for defendants

Brandon Abshier, counsel for defendants

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. **CONSENT TO MAGISTRATE JUDGE**

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

       Yes     X No

2. **INITIAL DISCLOSURES**

Have the parties agreed to make initial disclosures?

X Yes            No            The proceeding is exempt under Rule 26(a)(1)(B)

If yes, such initial disclosures shall be made by April 14, 2023.

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

X Yes         No

If yes, describe the issue:

Pending Motion to Dismiss Amended Complaint (Doc #10) regarding, in part, standing (see below).

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by: Already filed

4. PARTIES AND PLEADINGS

- a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by May 1, 2023.
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by N/A.

5. MOTIONS

- a. Are there any pending motion(s)?

X Yes             No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

Defendants filed a Motion to Dismiss (Doc. # 10) the Amended Complaint (Doc #6).

- b. Are the parties requesting expedited briefing on the pending motion(s)?

       Yes      X No

If yes, identify the proposed expedited schedule:

Opposition to be filed by \_\_\_\_\_; Reply brief to be filed by \_\_\_\_\_.

6. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand:

Plaintiffs are parents of current and former students of Hilliard School District. Parents allege the

actions of the District have violated their rights to control the upbringing of their children. Plaintiffs are seeking a declaratory judgment and injunctive relief.

No jury demand

7. DISCOVERY PROCEDURES

- a. The parties agree that all discovery shall be completed by: February 28, 2024  
The Parties agree to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court. To initiate a telephone conference, counsel are directed to join together on one line and then call the Magistrate Judge's chambers or provide the Court with a call -in number.

- b. Do the parties anticipate the production of ESI? X Yes No

If yes, describe the protocol for such production:

The parties will jointly prepare an agreed ESI and protective order for submission.

- c. Do the parties intend to seek a protective order or clawback agreement?

If yes, such order or agreement shall be produced to the Court by: March 31, 2023

8. DISPOSITIVE MOTIONS

- a. Any dispositive motions shall be filed by: 3/31/2024.
- b. Are the parties requesting expedited briefing on dispositive motions?

       Yes     X No

If yes, identify the proposed expedited schedule:

Opposition to be filed by \_\_\_\_\_; Reply brief to be filed by \_\_\_\_\_.

9. EXPERT TESTIMONY

- a. Primary expert reports must be produced by: December 1, 2023.
- b. Rebuttal expert reports must be produced by: February 1, 2024.

10. SETTLEMENT

Plaintiffs have not yet made a settlement demand. The parties do not believe settlement discussions would be fruitful while dispositive motions are pending.

11. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference?

X Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place by telephone.

\_\_\_\_\_ No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

The parties would like to stay discovery while the Defendants' Motion to Dismiss is pending (Doc #10).

Signatures:

Attorney for Plaintiff(s):

/s/ Joshua Brown (0089836)  
*Attorney for Plaintiffs*

Attorney for Defendant(s):

/s/ Jessica K. Philemond (0076761)

/s/ Brandon Abshier (0083505)

*Attorneys for Defendants*